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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,502	02/22/2002	Kimberlee A. Kemble	BOC9-2001-0017 (261)	1503
40987	7590	03/15/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			BOA, DIHYE A	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,502

Applicant(s)

KEMBLE ET AL.

Examiner

Dihye Boa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/13/02</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1, 6, 10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. They are indefinite because of the use the undefined but exemplified phrase "speech interface" renders the claims indefinite. The examiner has interpreted the paragraph to recite the speech interface criteria to be one of the requirements of a pronounceable data, data fields having common data items, a data field with a smallest average length, and a data fields, having data items which do not exceed a predetermined maximum threshold.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3, 6-9, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister *et al.* (U.S. Patent 6,421,672).

6. As per claims 1, 6, and 15, McAllister *et al.* teach:

- retrieving multiple database entries (multiple listings, col. 2, line 44) responsive to a database search, wherein the retrieved database entries include a plurality of common data fields (primary key and secondary data fields, col. 2, lines 53 and 60; col. 5, line 6).
- processing the retrieved database entries (Fig 1, element 12) according to predetermined speech interface criteria (pronunciation rules, col. 5, line 23);
- selecting at least one data field (location field, col. 3, line 45) from the plurality of common data fields for uniquely identifying each retrieved database entry; and
- presenting, through a speech interface (speech signal), data items corresponding to the selected data field (col. 5, lines 49-54) for each retrieved database entry.

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- querying as to which one of the common data fields, which uniquely identify (hierarchical search pattern to identify distinguishing information, col. 3, lines 35-36) each of the retrieved database entries, is to be used to disambiguate the retrieved entries.

7. As per claim 3, McAllister *et al.* further teach:

identifying data fields having pronounceable data items (pronunciation corresponding to the pronunciation spoken by the caller, col. 11, lines 54-55).

8. As per claims 7 and 16, McAllister *et al.* further teach:

receiving a user input (caller) selecting (determine, col. 3, line 46) one of the common fields (location field, col. 3, line 45), which uniquely identify each of the retrieved database entries (ambiguous since two of the candidate parties work in engineering, col. 3, lines 42-49)

9. As per claims 8 and 17, McAllister *et al.* further teach:

receiving a user input specifying a data item associated with the selected data field to disambiguate the retrieved database entries (select among parties col. 3, lines 49-54).

10. As per claims 9 and 18, McAllister *et al.* further teach:

presenting, through a speech interface (presentation to the caller, using a keypad to input, col. 3, lines 37 and 50) data items associated with the selected

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data field for each retrieved database entry (name associated and disambiguate the conflict, col. 2, lines 54-58).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 4-5, and 10-14 are rejected under U.S.C. 103(a) as being unpatentable over McAllister *et al.* (U.S. Patent 6,421,672).

13. As per claim 2, McAllister *et al.* teach all limitations of claim 1. McAllister *et al.* fail to explicitly teach a process of excluding from the selecting, having common data items. However, McAllister *et al.* suggest excluding database entries having common data items (suggested by identifying distinguishing information, col. 3, lines 35-36).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to use McAllister's system of searching through secondary information. The suggestion or motivation for doing so is to eliminate irrelevant records having similar or identical keys from further consideration

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14. As per claims 4, McAllister fails to explicitly teach selecting data fields having data items with a smallest average length. However, the examiner takes Official Notice that it would have been obvious to a person of ordinary skill in the art at the time of invention, to choose data fields having data items with a smallest average length, to present the retrieved information quickly and accurately for user choice.

15. As per claim 5, McAllister fails to explicitly teach data fields having data items, which do not exceed a predetermined maximum threshold. Therefore, the examiner takes Official Notice that it would have been obvious to a person of ordinary skill in the art at the time of invention, not to exceed a predetermined maximum threshold, in order to make it easier for the user to choose by not having to listen to a long list of choice.

16. As per claim 10, McAllister fails to explicitly teach a machine-readable storage having stored thereon a computer program having a plurality of code sections to perform the method of claim 1. However, the examiner takes Official Notice that implementing a computer program using a plurality of code sections is old and well known in the art. Therefore, it would have been obvious for one of the ordinary skill at the time of invention to implement McAllister *et al.* in such way to easily update the system and thereby saving time.

The remaining limitations are the same or similar to those of claim 6 rejected above, and are therefore rejected for the same reasons.

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17. As per claims 11 and 12, they recite the same or similar limitations as claims 2, and 3 respectively, rejected above, and thus are rejected for the same reasons.

18. As per claims 13 and 14, they recite the same or similar limitations as claims 4, and 5 respectively, rejected above, and thus are rejected for the same reasons.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mahajan *et al.* (U.S. Patent 6,418,431) teach speech recognition for information retrieval.

Tsutsumi *et al.* (U.S. Patent 5,812,998) teach a method for database search.

Appelt *et al.* (U.S. Patent 6,601,026) teach natural language for information retrieval.

Levin *et al.* (U.S. Patent 6,173,279) teach natural language query for retrieving particular information



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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner Dihye Boa, whose telephone number is (703) 305-3498. The examiner can normally be reached on Mon-Fri 8:30am-5: 00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits, can be reached on (703) 306-3011. The facsimile phone number for the Technology Center 2600 is (703) 872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dihye Boa

03/02/2005

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EX-AMINER